

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

***In re* FLINT WATER CASES**

**Civil Action No. 5:16-cv-10444-JEL
(consolidated)**

Hon. Judith E. Levy

**REPORT AND RECOMMENDATION
OF THE SPECIAL MASTER REGARDING SETTLEMENT CLAIMS
RECEIVED WITHOUT POSTMARK DATES**

On January 21, 2021, the Court issued its *Opinion and Order Granting Plaintiffs’ Motion to Establish Settlement Claims Procedures and Allocation and for Preliminary Approval of Class Settlement Components [1318] and Granting Plaintiffs’ Motion for an Order Adopting the Proposed Motion for Approval of Wrongful Death Settlement [1334]*, ECF No. 1399 (“Preliminary Approval Order”). In the Preliminary Approval Order, the Court appointed Deborah Greenspan as the Special Master under the Amended Settlement Agreement (“ASA”). *Id.* at PageID.54465.

On November 10, 2021, the Court issued its *Opinion and Order Granting Final Approval of a Partial Settlement, Granting Certification of a Settlement Class, Granting Appointment of Settlement Class Counsel [1794], Denying Objections, and Adopting the Report and Recommendation [2006]*, ECF No. 2008 (“Final Approval

Order”).¹ The Final Approval Order approved the settlement reached between Plaintiffs and the Settling Defendants in the ASA (ECF No. 1394-2, PageID.54120).

On January 20, 2022, the Court issued an *Order Regarding Settlement-Related Duties of the Special Master*, (ECF No. 2096), which directed the undersigned to “fulfill all of the duties of Special Master set forth in the ASA, pursuant to the ASA and the Opinion and Final Approval Order.” *Id.* at PageID.71975. The Order Regarding Settlement Duties of the Special Master provided, *inter alia*:

the Court further directs the Special Master to assist the Court in its oversight role by supervising the implementation of the ASA, including, without limitation, supervision and audit of the claims administration process and the entities engaged to provide services in connection with the review, evaluation, and administration of claims and the distribution of settlement assets. The Special Master shall address issues of interpretation of Exhibit 8 to the ASA and the exhibits thereto and shall be authorized and directed to provide direction to the Claims Administrator regarding questions of interpretation. The Special Master may submit recommendations to the Court regarding interpretation matters.

Id. at PageID.71975-76.

Under the ASA, those individuals who registered are entitled to file claims for compensation from the settlement. The deadline for filing claims was June 30,

¹ Unless otherwise defined herein, all capitalized terms herein have the same meaning set forth in the Amended Settlement Agreement that the Court has approved.

2022.² A claim was considered timely if it was submitted via the online claims system by this date or was mailed with a postmark dated on or before June 30. In reviewing the claims submissions, we have identified 116 claim packets that were mailed but that did not have a postmark date stamp. Most of these claim packets did not have a postmark date because they were mailed using a metered mail process which often does not stamp a “date.” Because the postmark date is missing, it is not possible to determine whether these packages were mailed timely; however, these claim packets were received by the claims administration facility during the same time period as claim packets that had a *timely* postmark date. Accordingly, it is not reasonable to conclude that these claims packages necessarily were mailed *after* the June 30, 2022 deadline. The claims administrator advises that the last timely postmarked claim packet was received by the claims administrator on July 28th, 2022. The claims administrator’s records reflect that the 116 claim packets with no postmark date were received by July 28, 2022. Accordingly, there is a reasonable basis to conclude that these 116 claim packets were mailed on time, and I hereby

² Under the terms of the ASA, the deadline for submitting claims, which is 120 days after the commencement of the claims period, was originally May 12, 2022. *See Notice of the Special Master Regarding Commencement of Claims Period Under the Amended Settlement Agreement*, ECF No. 2078 (Dec. 23, 2021) (“Notice of Commencement of Claims Period”). On May 9, 2022, the Court adopted the Special Master’s Report and Recommendation that the deadline be extended to June 30, 2022. *See Order Adopting Special Master’s Report and Recommendation Regarding Extension of the Claims Deadline for the Amended Settlement Agreement [2162]*, ECF No. 2163 (May 9, 2022).

recommend that these 116 claims be accepted as timely submissions to be considered for eligibility under the settlement.³ These 116 claimants are identified by their claim ID numbers in Exhibit A.

The Settling Parties have been apprised of this recommendation and have not objected.

Date: September 18, 2023

/s/ Deborah E. Greenspan
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³ The Special Master is confirming that each individual on this list properly registered for the settlement.

CERTIFICATE OF SERVICE

I certify that on September 18, 2023, I electronically filed the foregoing document with the Clerk of the Court using the Court's ECF system, which will send notification of such filing to attorneys of record.

Date: September 18, 2023

/s/ Deborah E. Greenspan

Deborah E. Greenspan

Special Master

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